

District Court Judge James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA

v.

SHAWNA REID,

Defendant.

NO. CR 19-117-JLR

**STIPULATED MOTION OF  
JOSEPH WHEATLEY FOR  
PERMISSION TO TESTIFY AT  
TRIAL REMOTELY**

Noted for consideration on: July 1, 2021

Former Department of Justice attorney Joseph Wheatley hereby moves, on stipulation of the parties, for the Court's permission to appear at Defendant Shawna Reid's trial through remote means (telephonic or videographic), rather than in person.

On January 28, 2021, the Court granted Ms. Reid's Motion for Issuance of Trial Subpoenas for Department of Justice Employees, ECF No. 77. On June 17, 2021, undersigned counsel for Mr. Wheatley accepted service of a subpoena from counsel for Ms. Reid directing Mr. Wheatley to appear at Ms. Reid's trial on the afternoon of July 13, 2021. Mr. Wheatley served as a Trial Attorney for the Department of Justice until May 28, 2021, and any testimony regarding his official duties for the Department is governed by regulation. *See generally* 28 C.F.R. §§ 16.21-16.29; *see also* 28 C.F.R. § 16.21(a) ([D]epartmental protocols governing disclosure in litigation extend to "any information acquired by any person while such person was an employee of the Department as a part of the performance of that person's official duties or because of that person's official status[.]"); Jan. 28, 2021 Tr. at 15:25-16:3, ECF No. 87 (discussing Department of Justice

1 *Touhy* regulations governing disclosure of official information). The Department has  
2 completed the *Touhy* process under those regulations to authorize Mr. Wheatley's  
3 testimony.

4       However, Mr. Wheatley resides in Maryland, and traveling across the country for  
5 an in-person appearance would pose significant hardship for his family at the current  
6 time.<sup>1</sup> Mr. Wheatley's wife recently underwent spinal fusion surgery, and is in the  
7 process of recovering from the surgery. Her mobility is significantly restricted, and she  
8 needs assistance caring for herself. She is unable to bend over or lift more than several  
9 pounds, and is therefore unable to care for the couple's baby and toddler. Were Mr.  
10 Wheatley required to travel to Seattle for the trial, the couple would need to arrange for  
11 outside, overnight childcare, which would pose personal and financial hardship. For  
12 these reasons, Mr. Wheatley respectfully seeks the Court's permission to make his  
13 appearance at Ms. Reid's trial remotely. Government counsel stands ready to work with  
14 the Court's information technology personnel to make such appearance as seamless as  
15 possible.

16       The undersigned attorney has conferred with counsel for the prosecution and Ms.  
17 Reid, and both stipulate to the relief sought herein.

18 Dated: July 1, 2021

19 Respectfully submitted,

20 BRIAN M. BOYNTON  
21 Acting Assistant Attorney General

22 ALEXANDER K. HAAS  
23 Branch Director

24 JACQUELINE COLEMAN SNEAD

25 \_\_\_\_\_  
26 <sup>1</sup> The defense has also issued a trial subpoena to current DOJ Criminal Chief David  
27 Jaffe. The Department has also completed the *Touhy* process for Mr. Jaffe, who does not  
28 require this same accommodation.

Assistant Branch Director

s/ Serena Orloff [draft]

SERENA M. ORLOFF

California Bar No. 260888

Trial Attorney

Federal Programs Branch, Civil Division

Department of Justice

1100 L Street NW, Room 12512

Washington, DC 20005

(P) (202) 305 -0167

(F) (202) 616-8470

Counsel for the United States concurring  
in the motion:

s/ concurrence by email

MATTHEW K. HOFF

Trial Attorney

Organized Crime and Gang Section

Department of Justice

1301 New York Avenue NW, Suite 700

Washington, DC 20005

(P) (202) 598-8093

Counsel for Shawna Reid concurring in  
the motion:

s/ concurrence by email

MICHAEL CRAIG NANCE

P.O. BOX 11276

Bainbridge Is, WA 98110

(206) 624-3211

s/ concurrence by email

ROBERT GOMBINER

705 Second Avenue, Suite 1500

Seattle, WA 98104

(206) 622-1604

CERTIFICATE OF SERVICE

I hereby certify that on the 1<sup>st</sup> day of July, 2021, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notifications to all parties of record.

/s/ Serena Orloff